

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Invicta S.P.A.,

Plaintiff,

-against-

Invicta Watch Company of America, Inc.,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: January 15, 2010

09 Civ. 2479 (PAC)
ORDER OF DISCONTINUANCE

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court having been advised that all claims asserted herein have been settled, it is,

ORDERED, that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the settlement not be consummated within thirty (30) days of the date hereof. The Court will sign a Stipulation and Order of Settlement upon receipt from either party, and retain jurisdiction until March 15, 2010. The Clerk of Court is directed to terminate any pending deadlines, future conferences and this case.

Dated: New York, New York
January 15, 2010

SO ORDERED



PAUL A. CROTTY
United States District Judge



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January 14, 2010

By Email Only

Hon. Paul A. Crotty
United States District Court Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Invicta S.P.A. v. Invicta Watch Company of America, Inc.
Civil Action No. 09 Civ. 02479

Dear Judge Crotty:

We are writing to advise the Court that the parties have amicably resolved this matter, and have entered into a settlement agreement (the "Agreement"). Accordingly, we request the Court take the case off the calendar, and cancel the court conference scheduled for January 20, 2010, but continue to exercise jurisdiction over this action until March 15, 2010. By that date, the parties will have performed all of their obligations under the Agreement and plaintiff will have filed a stipulation of dismissal with prejudice. The reasons for this request are set forth more fully below.

This is an action for trademark infringement. Pursuant to the terms of the Agreement, defendant must deliver certain goods bearing the mark in issue (the "Subject Mark") to plaintiff, or certify the destruction or donation of such goods within 60 days of the effective date (December 30, 2009) of the parties' agreement. (Thus, the date by which the certification (or goods) must be delivered by defendant to plaintiff is March 1, 2010.) Additionally, defendant must withdraw and/or amend pending trademark applications for the Subject Mark in the U.S. Trademark Office. Upon defendant's certification of the destruction or donation, or defendant's delivery of the goods to plaintiff, plaintiff will file a stipulation of dismissal. Until that time, we respectfully request the Court retain jurisdiction over the action although it may remove the case from its calendar.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeanne Hamburg", is written over a horizontal line.

Jeanne Hamburg

Cc: Howard Natter, Esq. (Counsel for Invicta Watch Company of America, Inc.)



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